

REMARKS

I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 88-94 will be pending in this application. Claim 89 has been withdrawn from consideration by the Examiner. Claims 93 and 94 have been allowed. Claim 91 has been objected to as depending from a rejected base claim, but otherwise indicated to be allowable.

Applicants have amended claim 88 to delete recitation of R¹, R², R³, R⁴, or R⁵ as being alkanoyl having 2 to 6 carbons. This amendment is fully supported by the specification as originally filed. *See In re Johnson*, 194 USPQ 187 (CCPA 1977). No new matter has been added.

II. ANTICIPATION REJECTION OVER PULIDO ET AL.

In paragraph 6 of the Office action, the Examiner has rejected claims 88, 90, and 92 as anticipated under 35 U.S.C. § 102(b) as anticipated by Pulido et al., *Enzymatic Regioselective Acylation of Hexoses and Pentoses Using Oxime Esters*, J. Chem. Soc. Perkin Trans. 1 1992, pp. 2891-2898. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The Examiner asserts that Pulido et al. disclose 1-butanoate-D-sorbopyranose at Table 2, compound 5b. Applicants' claim 88 does not read on this compound. Accordingly, the Pulido et al. disclosure does not anticipate the claims.

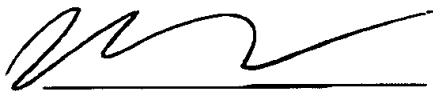
Moreover, since Pulido et al. does not disclose any practical utility for compound 5b, there would have been no motivation for one of ordinary skill in the art to modify that compound in such a way as to render the claims obvious. *See In re Stemniski*, 170 USPQ 343 (CCPA 1971).

Applicants respectfully submit that claim 88 is in condition for immediate allowance with respect to the references cited by the Examiner, and an early notification to that effect is earnestly solicited. Moreover, to the extent that the Examiner has withdrawn claim 89 from consideration, Applicants respectfully request that this claim be rejoined and examined on the merits in accordance with MPEP § 803.02.

If the Examiner has any questions or comments about this application or about the invention, or if further issues remain to be resolved, she is invited to contact the undersigned at 404.815.6218 prior to the issuance of any final rejection.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



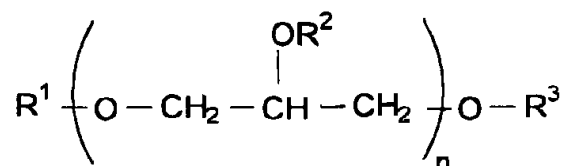
Bruce D. Gray
Reg. No. 35, 799

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6218

MARKED UP COPY OF CLAIMS

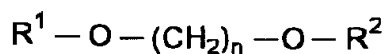
88. (Three times Amended) A compound having a structure selected from the group consisting of:

II:



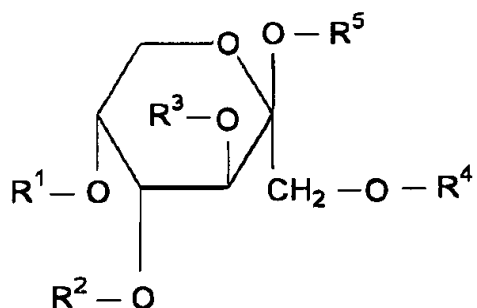
wherein R^1 , R^2 , and R^3 are independently selected from the group consisting of hydrogen, alkanoyl having 2 to 6 carbons, hydroxy-substituted alkanoyl having 2 to 6 carbons, and acyloxy-substituted alkanoyl having 2 to 6 carbons, wherein n is between 1 and 20, and wherein at least one of R^1 , R^2 , and R^3 is other than hydrogen;

III:

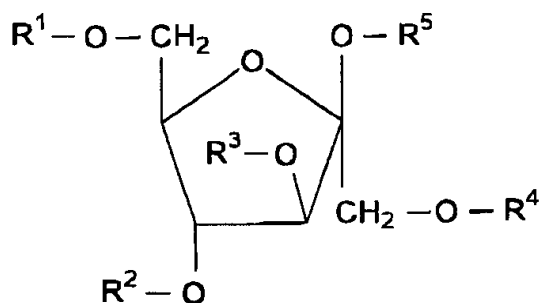


wherein n is an integer between 4 and 8, and R^1 and R^2 are independently selected from the group consisting of hydrogen, alkanoyl having 2 to 6 carbons, hydroxy-substituted alkanoyl having 2 to 6 carbons, and acyloxy-substituted alkanoyl having 2 to 6 carbons, and wherein at least one of R^1 and R^2 is other than hydrogen;

IV:

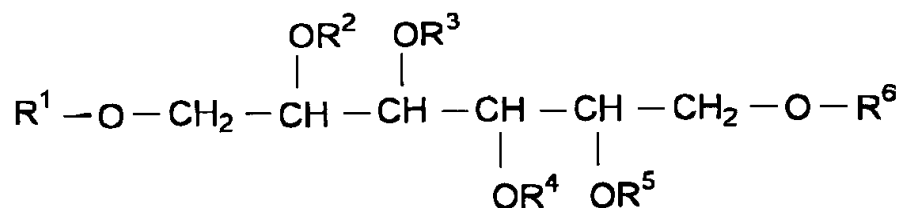


V:

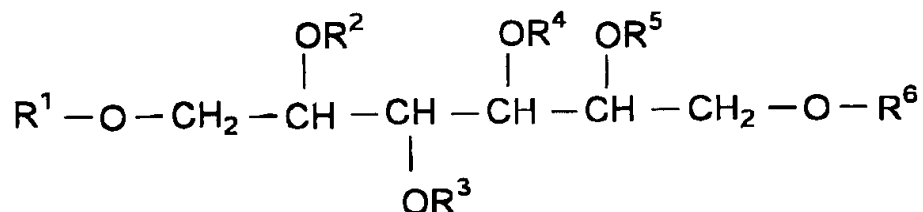


wherein R^1 , R^2 , R^3 , R^4 , and R^5 are independently selected from the group consisting of hydrogen, [alkanoyl having 2 to 6 carbons,] hydroxy-substituted alkanoyl having 2 to 6 carbons, and acyloxy-substituted alkanoyl having 2 to 6 carbons, and wherein at least one of R^1 , R^2 , R^3 , R^4 , R^5 is not hydrogen [and is not acetyl, and wherein when R^5 is hydrogen, at least one of R^1 , R^2 , R^3 , and R^4 is not acetyl];

VI:

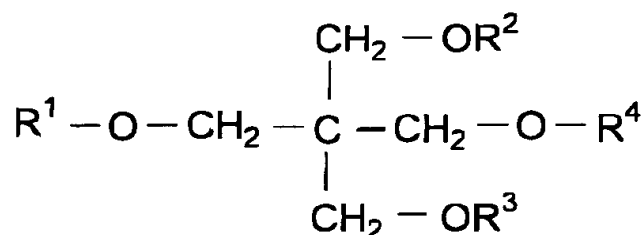


VII:



wherein R^1 , R^2 , R^3 , R^4 , R^5 , and R^6 are independently selected from the group consisting of hydrogen, alkanoyl having 2 to 6 carbons, hydroxy-substituted alkanoyl having 2 to 6 carbons, and acyloxy-substituted alkanoyl having 2 to 6 carbons, and wherein at least one of R^1 , R^2 , R^3 , R^4 , R^5 , and R^6 is other than hydrogen;

VIII:



wherein R^1 , R^2 , R^3 , and R^4 are independently selected from the group consisting of hydrogen, alkanoyl having 2 to 6 carbons, hydroxy-substituted alkanoyl having 2 to 6 carbons, and acyloxy-substituted alkanoyl having 2 to 6 carbons, and wherein at least one of R^1 , R^2 , R^3 , and R^4 is other than hydrogen.